

REMARKS

This amendment is responsive to the prematurely Final Office Action of April 15, 2009. Reconsideration and allowance of claims 2-9 and 11-20 are requested.

The Office Action

Claims 1-3, 5, 6 and 8-10 stand rejected under 35 U.S.C. § 103 over Maeda (US 5,966,310) in view of Bodor (US 6,201,546).

Claims 1-9 and 11-19 stand rejected under 35 U.S.C. § 101 as allegedly being directed towards non-statutory subject matter.

Claims 4, 7 and 12-15 stand rejected under 35 U.S.C. § 103 over Maeda in view of Bodor further in view of Levy (US 6,731,324).

Claims 7, 14, 16 and 18 stand rejected under 35 U.S.C. § 112, second paragraph.

Claims 16-19 do not stand rejected on art and are understood to contain allowable subject matter.

The Present Amendment Should Be Entered

First, the present amendment should be entered as placing the application in condition for allowance.

Second, the present amendment should be entered as simplifying the issues on appeal by resolving the non-art issues.

Third, the Patent Office Rules require that a petition on premature finality must be filed within two months of the Office Action. In order to comply with this requirement, a Petition to Withdraw the Finality of the April 15, 2009 Office Action accompanies this amendment. For the reasons set forth in the Petition, it is submitted that the finality of the Office Action of April 15, 2009 is premature and should be withdrawn.

35 U.S.C. § 112 and Claim Objections

The term “activatable” is a commonly used word in the English language. A recent Google search for the word “activatable” produced 220,000 hits. The first page of the search results showing the first ten English language uses of “activatable” are attached as an exhibit.

Claim 18 has been reordered to address the Examiner's objection.

Claim 7 has been amended in accordance with the Examiner's objections.

It is submitted that "virtually" was used in its normal and common English language usage. The person viewing the images on the display device and hearing the sounds does not actually or in reality undergo the medical care activity. If the medical care activity is an MRI diagnostic imaging session, no MRI imaging procedure is performed and no MRI image is generated. Rather than undergoing an actual MRI examination experience, the viewer undergoes a simulated or virtual MRI examination procedure.

Claim 16 has been amended in accordance with the Examiner's suggestion.

The equivalents paragraph added to the end of the specification merely reminds the reader that the claims should be interpreted in accordance with Supreme Court precedent and Federal Circuit decisions and adds no new structure, means, method steps, or the like the specification which might be considered new matter. The Examiner asserted that this paragraph changes, e.g., broadens, the scope of the claims. The applicant is permitted to amend and broaden the claims. It is submitted that changing the scope of the claims is not grounds for denying entry of an amendment.

It is requested that the Examiner reconsider this objection and discuss it with the Supervisory Primary Examiner.

35 U.S.C. § 101

All of the method claims call for a user interface which is a structure, and a database, which is also a structure. The method claims call for various types of information from the person to be input through the user interface, for data from the database to be retrieved or selected, the retrieved or selected data to be manipulated, and an image to be presented to the user. The claims have been amended to emphasize the interaction among the interface, the display device, and the database which the method performs.

It is submitted that claims 1-9 and 11-18 as previously submitted and as currently amended comply fully with the requirements of 35 U.S.C. § 101.

Because claim 19 is an apparatus claim, not a method claim, it is believed that the Examiner's rejection of claim 19 under 35 U.S.C. § 101 was in error.

The References of Record

Maeda is directed to a CAD system by which a person can design consumer or personal equipment, such as a cell phone or radio, in three dimensions (column 1, lines 10-16) and viewed from its six sides (column 17, lines 30-42). The data might also be viewed from other directions using a virtual reality display system (column 24, lines 8-27).

Bodor provides detailed instructions regarding how to process image data in order to view a subject or room from a selected direction or viewpoint.

The Claims Distinguish Patentably Over the References of Record

Claim 3, which has been placed in independent form including subject matter from its parent claim 1 calls for a user interface which generates displays which offer a person the option (1) to select medical care equipment, (2) to select a viewpoint, and (3) to generate a sequence of two-dimensional view depicting a medical equipment performing a selected medical care activity. Claim 3 further calls for generating two-dimensional views from the three-dimensional representation retrieved from the database, which views depict a selected model of medical care equipment performing the selected medical care activity from the selected viewpoint. As pointed out in the application, this method is important because it helps prospective patients become familiar with medical care equipment at their pace before they undergo an actual medical care procedure or activity. For example, an MRI imaging session with a bore-type imaging device includes putting the patient into a narrow enclosed bore, which many patients find claustrophobic, for about a half hour. The MRI machine, during the imaging session is noisy, increasing the patient discomfort. Allowing the patient to experience an MRI imaging session virtually reduces patient discomfort during an actual imaging session. Neither Maeda nor Bodor disclose or fairly suggest enabling a user to select one of a plurality of types of medical care equipment and then enabling that person to view the medical care equipment during performance of a medical care activity. Accordingly, and for the additional details set forth in dependent claims 11-17, it is submitted that claim 3 and

claims 11-17 dependent therefrom distinguish patentably and unobviously over the references of record.

Claim 6 calls for offering the person the option to select among experiencing a medical care activity from the viewpoint of a patient experiencing the medical care activity, experiencing a medical care activity from the point of view of an operator of the medical care equipment, experiencing a medical care activity from a viewpoint of a spectator or experiencing a medical care activity from a viewpoint inside of the equipment where one can see what happens inside the medical care apparatus during the medical care activity. Claim 6 further calls for generating two-dimensional views depicting the selected medical activity from the selected one of the above viewpoints.

Maeda and Bodor show that those of ordinary skill in the art would possess the skill to configure equipment to perform the method of claim 6, i.e., that the present application is enabling. But neither Maeda nor Bodor, nor the combination thereof place the method of claim 6 in the possession of the reader. The methods of Maeda and Bodor work in different ways for different purposes to achieve different end results and perform different methods than the method of claim 6. The method of claim 6 enables a viewer to experience a selected medical care activity from the viewpoint of the patient, the operator, an observer, or from the interior of the machine.

Accordingly, it is submitted that claim 6 distinguishes patentably and unobviously over the references of record. It is further submitted that dependent claims 2, 4, 5, 7-10, 18 and 21 distinguish over the references of record by virtue of their dependence on claim 6 and due to the additional distinguishing limitations which they include.

M.P.E.P. § 2144.03

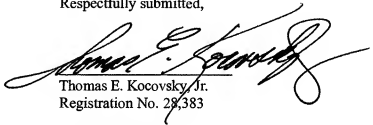
To the Examiner might be relying on any assertion of common knowledge or well known prior art without the citation of a specific reference, such assertion is hereby traversed. Pursuant to M.P.E.P. § 2144.03 the applicant traverses any such assertion and puts the Examiner to his proofs to cite an appropriate reference, in the context of the claims, which shows such alleged common knowledge or well known prior is in fact known.

CONCLUSION

For the reasons set forth above, it is submitted that claims 2-9 and 11-21 distinguish patentably and unobviously over the references of record. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this cases, the Examiner is requested to telephone the undersigned at 216.363.9000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas E. Kocovsky, Jr.", is written over a horizontal line.

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